

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY
CASE NO. 22-61542-CIV-SINGHAL

IN THE MATTER OF CARIBSHIP LLC,
AS OWNER AND SEACOR ISLAND LINES
LLC AS OPERATOR/OWNER PRO HAC VICE OF THE
M/V CARIBBEAN EXPRESS I PETITIONING
FOR EXONERATION FROM OR LIMITATION
OF LIABILITY,

Petitioners.

**ORDER APPROVING PETITIONER'S LETTER OF UNDERTAKING, DIRECTING
ISSUANCE OF NOTICE, MONITION AND RESTRAINING
PROSECUTION OF CLAIMS**

THIS CAUSE is before the Court on Petitioners' Motion for Issuance of Limitation Injunction, Notice, Monition and Order Approving Security. (DE [3]). The Verified Complaint (DE [1]) having been filed hereon on August 19, 2022, by CARIBSHIP LLC, as owners, and SEACOR ISLAND LINES LLC, as operator/owner *pro hac vice*, (collectively, "Petitioners"), for exoneration from or limitation of liability, pursuant to 46 U.S.C. §30501, *et seq.*, and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure ("Supplemental Admiralty Rules"), for any loss, damage, injury, or deaths caused, occasioned or occurring as a result of the incident occurring on February 26, 2022, when the M/V CARIBBEAN EXPRESS I collided with the M/Y SeaTrek on the navigable waters adjacent to berth 29 at Port Everglades, Florida, all as more fully set forth in the Verified Complaint; And the Verified Complaint having stated that the value of Petitioners' interest in the M/V CARIBBEAN EXPRESS I, her pending freight/charter hire at the end of such voyage and any supplemental personal injury funds does not exceed the sum of TWO MILLION FIVE

HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS, as set forth in Petitioners' Verified Complaint;

And Petitioners having submitted to the Court as security for the benefit of claimants, a Letter of Undertaking dated August 19, 2022, equal to the amount or value of Petitioners' interest in the said Vessel and the vessel's pending freight in the sum of TWO MILLION FIVE HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS, with interest at six (6%) percent per annum from its date, executed by a duly authorized representative of the Petitioner's protection and indemnity insurer, Assuranceforeningen SKULD (Gjensidig); it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion for Issuance of Limitation Injunction, Notice, Monition, and Order Approving Security (DE [3]) is **GRANTED AS FOLLOWS:**

LETTER OF UNDERTAKING

1. The Declaration of Value of Petitioners' interest in the M/V CARIBBEAN EXPRESS I after the February 26, 2022 incident and her pending freight in the combined amount not exceeding the sum of TWO MILLION FIVE HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS, with interest at six (6%) percent per annum from its date, and the undertaking filed by Petitioners, be accepted as stipulation for value for the purposes of the limitation proceedings and that they be approved as to form, quantum and surety.

2. The above-described Letter of Undertaking deposited by the Petitioners with the Court for the benefit of claimants, in the sum of the sum of TWO MILLION FIVE HUNDRED TWELVE THOUSAND FOUR HUNDRED NINETY-NINE AND 00/100 (\$2,512,499.00) DOLLARS, with interest as aforesaid, as security for the amount or value

of the Petitioner's interest in the M/V CARIBBEAN EXPRESS I, her pending freight and the supplemental personal injury fund, is hereby approved.

3. Any claimant who may properly become a party hereto may contest the amount or value of Petitioners' interest in the M/V CARIBBEAN EXPRESS I and her pending freight/charter hire as fixed in the Declaration of Value, and may move the Court for a new appraisal of said interest, and may apply to have the amount increased or diminished, as the case may be, on determination of the Court for the amount of value of said interest.

4. Any claimant in these proceedings may signify by written notice, filed with the Court and serve upon other parties of record, its dissatisfaction with the Assuranceforeningen SKULD (Gjensidig) as surety herein. In the event of such notice, plaintiff shall within five (5) business days of the receipt thereof file a response in opposition or move to post alternative security (cash or a bond) in the forms described in Petitioner's Motion (DE [2]) and Rule F(1), failing which the injunction entered concurrently herewith will be vacated as to all claimants, and the Court will make such further orders as the justice of the cause may require.

NOTICE

5. A notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Complaint seeks limitation admonishing them to file their respective claims with the Clerk of this Court in writing, and to serve on the attorneys for the Petitioners a copy thereof on or before the 28th day of October 2022, or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, he shall file and serve on attorneys for Petitioners an answer to the

Complaint on or before the said date, unless his claim has included an answer to the Complaint, so designated, or be defaulted.

6. The aforesaid notice shall be published in the Daily Business Review (covering Miami-Dade and Broward counties) once a week for four successive weeks prior to the date fixed for the filing of claims, as provided by the aforesaid Supplemental Admiralty Rule F and copies of the notice shall also be mailed in accordance with the said Rule F.

MONITION

7. A monition shall ISSUE out of and under the seal of this Court against all persons or corporations claiming damage for any and all loss, destruction, damage, injuries, and/or death allegedly as a result of the occurrences and happenings recited in the Petition, namely the incident on February 26, 2022, when the M/V CARIBBEAN EXPRESS I collided with the M/Y SeaTrek on the navigable waters adjacent to berth 29 at Port Everglades, Florida, all as more fully set forth in the Verified Complaint, to file their respective claims with the Clerk of this Court in these proceedings and to serve on or mail to the attorneys for Petitioner having appeared in these proceedings copies thereof on or **before thirty (30) days from the date of this Monition and that all persons or corporations so presenting claims and desiring to contest the allegations of the Petition shall file an answer to the Petition in this Court and shall serve on or mail to the attorneys for the Petitioners copies thereof on or before thirty (30) days from the date of this Monition, or risk default.**

INJUNCTION

8. The further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution thereafter of any and all

suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction, and the taking of any steps and the making of any motion in such actions, suits, or proceedings against Petitioners, as aforesaid, against the M/V CARIBBEAN EXPRESS I, her officers and crews, against any property of Petitioners, or against Petitioners' employees or underwriters except in this action, to recover damages for or in respect of any loss, damage, injury, or death occasioned or incurred as a result of the incident on February 26, 2022, when the M/V CARIBBEAN EXPRESS I collided with the M/Y SeaTrek on the navigable waters adjacent to berth 29 at Port Everglades, Florida, all as more fully set forth in the Verified Complaint, hereby are restrained, stayed and enjoined until the hearing and determination of this action. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively by hand delivery or e-mail.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 22nd day of August 2022.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copy furnished counsel via CM/ECF